

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**GEORGE A. KRUSE,**

**Plaintiff,**

**vs.**

**CIVIL NO. 15-cv-925-DRH-CJP**

**CAROLYN W. COLVIN, Acting  
Commissioner of Social Security,**

**Defendant.**

**MEMORANDUM AND ORDER**

**HERNDON, District Judge:**

This matter is now before the Court on the parties' Stipulation to Remand. (Doc. 25).

The parties agree that this case should be remanded to the Acting Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error, and is itself a final, appealable order. See, *Melkonyan v. Sullivan*, 501 U.S. 89 (1991); *Perlman v. Swiss Bank Corporation Comprehensive Disability Protection Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of plaintiff. *Schaefer v. Shalala*, 509 U.S. 292, 302-303 (1993).

The parties agree that, upon remand, "an ALJ will hold a new administrative hearing; further evaluate and weigh the opinion evidence of record; evaluate Plaintiff's maximum residual functional capacity; if warranted, obtain

supplemental vocational expert evidence and consider that evidence consistent with SSR 00-4p; and issue a new decision.”

For good cause shown, the parties’ Stipulation to Remand (Doc. 25) is **GRANTED**.

The final decision of the Commissioner of Social Security denying George A. Kruse’s application for social security benefits is **REVERSED and REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to sentence **four** of 42 U.S.C. §405(g).

The Clerk of Court is directed to enter judgment in favor of plaintiff.

**IT IS SO ORDERED.**

**DATED: April 4, 2016**

*David R. Herndon*



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Judge David R. Herndon  
Date: 2016.04.04  
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**United States District Court**